



Zoning Board of Appeals

Regular Meeting

Agenda

5583 Main Street
Amherst, NY 14221
www.amherst.ny.us

Francina J. Spoth
Town Clerk

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Amherstny.igm2.com

Tuesday, August 15, 2023

6:30 PM

Amherst Municipal Building

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
Member Ann M. Nichols	☐	☐	☐	
Member Ronald Shubert	☐	☐	☐	
Member Kelly J. Philips	☐	☐	☐	
Member Brian Bray	☐	☐	☐	
Member Ellen Parker	☐	☐	☐	

II. APPROVAL OF MINUTES

1. Tuesday, June 13, 2023

III. HEARINGS ON APPEALS

1. 231 Kings Highway - Area Variance

The petitioner's proposed 6 foot high fence will be 0 feet from the north property line, whereas, the zoning ordinance requires 10 feet minimum.

2. 24 Glen Meadow Drive South - Area Variance

The petitioners' proposed generator will be located 1.6 feet from the south property line, whereas the zoning ordinance requires a minimum setback of 5 feet.

3. 79 Shetland Drive - Area Variance

The petitioner's new recreation area will be 17.4 feet from the west property line, 36.3 feet from the south property line and 48 feet from the east property line, whereas, the zoning ordinance requires 50 feet minimum along each stated property line, and whereas the zoning ordinance requires an earthen berm or a 5 foot high fence, along with a specified number of deciduous and coniferous trees be provided along the east, south, and west property lines, whereas, the petitioners site plan will not include a fence or berm or all of the specified number of trees as required by the zoning ordinance.

4. 391 Lakewood Parkway- Area Variance

The petitioner's egress window well will be 1.94 feet from the south property line, whereas, the zoning ordinance requires 2.5 feet minimum.

5. 136 Cherrywood Drive - Area Variance

The petitioners' proposed 6 foot high fence will be 2.2 feet from the west property line, whereas, the zoning ordinance requires a minimum of 10 feet.

6. 266 Sagewood Terrace - Area Variance

The petitioner's proposed 6 foot high fence will be 0 feet from the north property line, whereas, the zoning ordinance requires 10 feet minimum.

7. 5169 Sheridan Drive - Area Variance

The petitioner's proposed signage will create 231.8 s.f. of total sign area, whereas, the zoning ordinance limits total signage to 100.5 s.f.

8. 190 Maple Road - Use Variance

The Petitioner desires to utilize a portion of his/her premises for additional off-street parking accessory to his/her medical office building, whereas, the Zoning Board of Appeals in its previous use variance approval prohibited further development of the site.

9. 6569-6571 Main Street- Area Variance

The petitioner's building will be 74.88 feet from the centerline of Main Street, whereas, the zoning ordinance requires 115.0 feet minimum, and whereas, the building will be 10.34 feet from the east property line, whereas, the zoning ordinance requires 137.0 feet.

10. 3275 & 3325 Millersport Highway - Area Variance

The petitioner's building numbers 1, 2 & 3 are 180.67 feet long, building number 4 is 210.67 feet long and building number 5 is 270.67 feet long, whereas, the zoning board of appeals limited building numbers 1, 2, 3 & 4 to 180 feet long, and building number 5 to 240 feet long, and whereas, the side yard setbacks for buildings number 1 & 2 will be 22.5 feet from a new internal property line, whereas the zoning ordinance requires 49.8 feet, and whereas, the vehicle use areas adjacent to the new internal property line separating phase 1 and phase 2 will be 0 feet from such new property line, whereas, the zoning ordinance requires a minimum set back of 5 feet, and whereas, a medium impact landscaping screen will not be provided along the new internal property line separating phase 1 and phase two as required by the zoning ordinance.

11. 4196 Sherian Drive - Temporary Use Permit

The petitioners desire to use their property for a commercial use (landscaping business) which, is not permitted in the R-3 residential zoning district.

06/13/2023

Ari Goldberg, Esquire for the petitioners indicated that he would not be providing an overview of his clients' request and requested that the public be provided with an opportunity to offer testimony and that the Board adjourn the matter until its August meeting as recommended by the Planning Department.

The petitioners and several of their customers spoke in favor of the request.

Sandra M. Koerber of 54 Frankhauser Rd. spoke in opposition.

HISTORY:

06/13/23

Zoning Board of Appeals

ADJOURNED

Next: 08/15/23

12. 4224-4256 Ridge Lea Road - Special Use Permit

The petitioner desires to establish a service station (petroleum sales) accessory to his/her membership discount retail store (Costco), whereas, a special use permit is required for the establishment of such use.

HISTORY:

06/13/23

Zoning Board of Appeals

ADJOURNED

Next: 08/15/23

13. 4224-4256 Ridge Lea Road - Area Variance

The petitioner's proposed Dick's building will be 20 feet from the west property line, whereas, the zoning ordinance requires 30 feet minimum, and whereas, the vehicle use area serving the proposed Dick's building will be 6.12 feet from the west property line, whereas, the zoning ordinance requires 25 feet minimum, and whereas, the petitioner's buildings will not provide a minimum of 3 feet of landscaping adjacent to a portion of the north building wall, and along the south building wall of the proposed Dick's building and along the north and east walls of its Costco building as required by the zoning ordinance.

HISTORY:

06/13/23

Zoning Board of Appeals

ADJOURNED

Next: 08/15/23

IV. ADJOURN TO THE NEXT ZONING BOARD APPEALS MEETING